



# On-line Representations and Certifications Application Handbook

September 2004

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# Welcome to ORCA

## Introduction

ORCA is an e-Government initiative that has been developed to replace the paper based Representations and Certifications (Reps and Certs) process. Previously, vendors had to submit Reps and Certs for each individual large purchase contract award. Now, using ORCA, a contractor can enter their Reps and Certs information once for use on all Federal contracts. This site not only benefits the contractor by allowing them to maintain an accurate and complete record but also the Contracting Officer as they can view every record, including archives, with the click of a mouse.

## Background

On Oct.7, 2002 Mark Forman, then Associate Director for Information Technology and E-government, announced the five key elements in the Presidents Management Agenda in a letter to all CIO's, CFO's and Procurement Executives. This agenda was developed to improve the management and performance of the Federal Government and "outlined how we will focus our e-Government initiatives on reforming the Government so that it delivers results that matter to citizens."

The original report focused on 14 areas of improvement, 5 government- wide and 8 agency specific. Number 4 on the government wide improvement is 'Expanded Electronic Government'. In order to identify which initiatives that help create an e-Government Mr. Forman established a cross-agency task force referred to as project Quicksilver. Over a 5-week period a working group comprised of individuals knowledgeable in their agency programs and experience in government reform developed recommendations. The task force applied best of breed e-strategy methods that have been used widely in industry and government. The task force conducted 71 interviews with more than 150 senior government officials during the process to gather and identify strategic e-Government opportunities.

The task force found that the federal government could significantly improve customer service over 18 to 24 months by focusing on 23 high payoff, government wide initiatives that integrate agency operations and IT investments.

These 23 initiatives were divided into 4 categories, government to citizen (G2C), government to business (G2B), government to government (G2G), and internal effectiveness and efficiency (IEE). The Integrated Acquisition Environment (IAE) was listed as part of the IEE.

As part of the Integrated Acquisition Environment (IAE) E-Government initiative, the existing Department of Defense Central Contractor Registration system will be expanded into a Business Partner Network that and used by all agencies. The BPN will include grantees, Federal entities, and companies seeking to do business with the

Federal government. This expansion will require all those seeking to do business with the Federal government to register within the BPN.

The BPN will provide a web-enabled capability for identifying Federal and industry trading partners. It will also create a one-stop source of information about trading partners, such as Equal Employment Opportunity compliance checks, size status, the Excluded Parties List information, and past performance evaluations. The attachments to this memorandum describe the vision and benefits of the BPN as well as an overview of how it will be used for commercial acquisition, intra-governmental transactions, and grants.

ORCA was developed as a result of the Quicksilver team and deemed necessary to assist in bringing the federal government together, online. Changes to the Federal Acquisition Regulation (FAR) that will mandate the use of the CCR and ORCA are scheduled for the upcoming months.

## **Who Registers in ORCA?**

An RFP put out by the Federal Government, that requires registration in CCR, may have a statement included under Section K that permits electronic submission of reps and certs through ORCA. FAR Draft Proposed Rule (due out in FY04) for Electronic Representations and Certifications substantiates this action with the following clauses:

Clause 52.214-30, Annual Representations and Certifications – Sealed Bidding, may be included in the solicitation to permit electronic submission of certain representations and certifications.

The above clause is to be inserted in invitations for bids that contain the clause at FAR 52.204, Central Contractor Registration.

Offerors shall submit electronic annual representations and certifications via the Business Partner Network (BPN) at [www.bpn.gov](http://www.bpn.gov) in conjunction with registration in the Central Contractor Registration database unless an exception listed at FAR 4.1102 (a) applies. Offerors shall update the representations and certifications as necessary, but at least annually to ensure they are kept current, accurate, and complete. The representation and certifications are effective until one year from date of submission or update.

# Vendor Instructions

## *Before Starting Your Application*

Before you can enter ORCA you must:

- Have an active registration in Central Contractor Registration (CCR)
- Have the MPIN from your active registration
- Know your DUNS number

**Registration in CCR:** Before entering ORCA you must have an active registration in CCR. To determine if you have an active registration visit CCR's homepage at [www.ccr.gov](http://www.ccr.gov) and click on "Search CCR" found on the left side of your screen. If you have an active registration then you can begin your ORCA record. If you do not have an existing active registration in CCR then complete one at the same website before beginning your ORCA records. Reminder: There is no cost involved and it should take approximately 30- 45 minutes to finish and submit. When registering in CCR make sure to use 2002 NAICS codes and not 1997 NAICS codes. You may begin your ORCA questionnaire 24 hours after submitting your CCR record. 24 hours is needed because CCR data is used to feed basic company information in ORCA. Use the search function mentioned above to determine when your registration has been activated.

**Marketing Partner Identification Number (MPIN):** The Marketing Personal Identification Number (MPIN) is a 9-digit code containing at least one alpha character and one number (no special characters or spaces). The MPIN is created, by you, in your company's CCR record and acts as a password for other various government systems, including ORCA. The MPIN is the last data field in the "Points of Contact" section of the CCR registration. Once you've entered your new MPIN into CCR, it will take 24 to 48 hours to update. After that, you can begin your registration in ORCA. Go to [www.ccr.gov](http://www.ccr.gov) if you need more information on setting up your MPIN.

If you are not in CCR please go to [www.ccr.gov](http://www.ccr.gov) and complete a registration. If you have an active registration but do not know your MPIN please contact the person who submitted your company's CCR registration for that information. If you do not know who that person is then contact the CCR helpdesk at 888-227-2423 for assistance.

In addition a DUNS number is needed, in conjunction with the MPIN to enter the ORCA system. If you have an active record in CCR then you have a DUNS number. You can view your active CCR record to determine your DUNS number, or if you have questions or problems with your DUNS please read the following:

**\*Data Universal Numbering System (DUNS) Number:** The Data Universal Numbering System (DUNS) number is a unique nine-character identification number provided by

the commercial company Dun & Bradstreet (D&B). Call D&B at 1-866-705-5711 if you do not have a DUNS number. The process to request a DUNS number takes about 10 minutes and is free of charge. If you already have a DUNS number, the D&B representative will advise you over the phone.

**DUNS +4:** The use of DUNS+4 numbers to identify vendors is limited to identifying records for the same vendor at the same physical location. The +4 should only be used in ORCA if you registered your company that way in CCR.

# *How to Enter Your Application*

If you are familiar with the current Representations and Certifications this application should take no more that 20 – 30 minutes to complete. If you are new to this process it is recommend that you print off the “Definition of Terms” located in Appendix A.

- Start at [www.bpn.gov/orca](http://www.bpn.gov/orca)
- Enter your DUNS number and MPIN, click **“Submit”**
  - Please note that after 20 minutes of inactivity on one page your registration will time out and all data will be lost.
- If you entered a valid DUNS number/MPIN combination your existing information from CCR is pulled and displayed for your review.
- Review the displayed CCR information. If correct, click **“Continue”**.
  - If your CCR data is incorrect then visit [www.ccr.gov](http://www.ccr.gov) and update your registration. Reminder: updates to CCR take 24 hours to complete and be displayed on ORCA.
- Confirm your ORCA POC and change if necessary. Click **“Continue”**.
- Questionnaire begins. Answer all the questions. To have text you entered in the questionnaire saved in the questionnaire click **“Add”**. Click **“Submit Questionnaire”** when finished.
  - In a few places throughout the questionnaire, you may find questions are marked with ‘Reserved’. Because of certain company information provided in your CCR record the question normally asked is no longer applicable to you. Continue on to the next question.
- Review your answers by reading the actual FAR clauses that contain your responses. If you would like to make any changes click on the check box or displayed answer to be brought back to the original question. When finished making the changes click **“Submit Questionnaire”** to get back to the review.
  - Remember to review and click the check boxes on the read-only clauses of 52.203-11, 52.227-6, and 52.222-38. These are the first three clauses on the review page.
- When satisfied with all your answers, scroll to the bottom of the screen and be sure to certify that your answers are true by clicking the check box. When finished, click **“Submit Certification”**.
- Download a .pdf copy of your completed Reps and Certs record for you files.

- Please note that the information stored in an active ORCA record is considered unrestricted and is searchable by the public using the DUNS number.

You will receive an email confirmation that you have registered your record. A record is active for 365 days. The vendor needs to update their record as necessary to reflect changes, but at least annually to ensure they are kept current, accurate and complete. The record is active for 365 days from date of submission or update.

You will be reminded of the renewal requirement 60 days, 30 days and 15 days prior to your records expiration via email. The notice will be forwarded to the ORCA POC designated in your company's record.



# *How to Renew or Change an Active Record*

## **Your Responsibilities**

- You are responsible for ensuring the accuracy of your registration. You must use your DUNS number in conjunction with your MPIN number when making and/or requesting any changes to your profile.
- You are responsible for updating your information as it changes
- You must renew your record at least once a year. If you do not renew your record it will expire. An expired registration may affect your ability to conduct business (receive contract awards) with the government.

## **To initiate any changes or renew your record:**

Changes can be made to your record by:

1. Go to ORCA's homepage at [www.bpn.gov/orca](http://www.bpn.gov/orca)
2. Enter your DUNS number and MPIN then click "**Submit**".
3. On the CCR information page click on "**Update Previously Completed Record.**"
4. Make the necessary changes then click the "**Submit Questionnaire**" and "**Submit Certification**" on the FAR provisions page to activate the changes.

To submit a renewal with no changes, follow the same steps listed above with the exception of making changes to your information. Reminder: you must click "**Submit Questionnaire**" and "**Submit Certification**" to activate the renewal, even if none of your information has changed.

If you are unsure of when your record expires you can view a read-only copy that contains the "**Date of Submission**" by:

1. Go to ORCA's homepage at [www.bpn.gov/orca](http://www.bpn.gov/orca) and click on "**Search**" then "**Current Search**".
2. Enter your DUNS number then click "**Search**".
3. Add 1 year to the "**Date of Submission**" listed to determine your expiration date.

# Government Instructions

## *How to Search Active Records*

Prior to starting, make sure you know the DUNS number of the company(s) you would like to review. If you don't know the DUNS number you can find it by going to [www.ccr.gov](http://www.ccr.gov) and clicking on "**Search CCR**". Once on the search page enter the company's legal business name and click "**Search**".

If the company's name is long type in the first few letters and then click "**Search**". You will be able to choose the appropriate name from a displayed list. Click the "**Detail**" button for more information. The DUNS number is the first piece of information displayed.

Now you are ready to search ORCA.

- Start at [www.bpn.gov/orca](http://www.bpn.gov/orca)
- Click on "**Search**" then "**Current Search**".
- Enter the DUNS of the company you wish to find a record for, click "**Search**"
- Review the Record displayed and print a .pdf copy of the record by clicking on "**download .pdf**" found at the bottom of the page.
- To review another Record click on "**Return to Top**" then click "**Search**" then "**Current Search**".

# *How to Search Archived Records*

As mentioned in the section above, prior to starting make sure you have the DUNS number of the company(s) you would like to review. To find the DUNS number, go to [www.ccr.gov](http://www.ccr.gov) and click on “**Search CCR**”. Once on the search page enter the company’s legal business name and click “**Search**”.

If the company’s name is long, type in the first few letters and then click “**Search**”. You will be able to choose the appropriate name from a displayed list. Click the “**Detail**” button for more information. The DUNS number is the first piece of information displayed.

Now you are ready to go to ORCA.

- Start at [www.bpn.gov](http://www.bpn.gov)
- Click on “**Search**” then “**Archived Search**”.
- Enter the DUNS of the company you wish to find a record for and the dates you wish to view submitted records, click “**Submit**”.
- Review the Record displayed and print a .pdf copy of the record by clicking on “**download .pdf**” found at the bottom of the page.
- To review another Record click on “**Return to Top**” then click “**Search**” then “**Archived Search**”.

## **APPENDIX A**

### **Sample ORCA Questionnaire**

**1.** Who are the person(s) within TEST COMPANY 01 responsible for determining prices offered in bids/proposals? (FAR 52.203-2)

**2.** Your CCR record indicates that TEST COMPANY 01 does not have a Taxpayer Identification Number (TIN). Has TEST COMPANY 01 applied for a TIN?

Is TEST COMPANY 01 a nonresident alien, foreign corporation, or foreign partnership that does not have income effectively connected with the conduct of a trade or business in the United States and does not have an office or place of business or a fiscal paying agent in the United States? (FAR 52.204-3)

**3.** Your CCR record indicates that TEST COMPANY 01 is owned or controlled by a common parent. Please provide the company name and TIN for the common parent.(FAR 52.204-3)

**4.** Is TEST COMPANY 01 currently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal Agency? (FAR 52.209-5)

**5.** In the past three-year period, has TEST COMPANY 01 been convicted or had a civil judgment rendered against it for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property? (FAR 52.209-5)

**6.** Is TEST COMPANY 01 presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in Question 5? (FAR 52.209-5)

**7.** Within the past three years, has TEST COMPANY 01 been terminated for cause (default)?(FAR 52.209-5)

**8.** Does TEST COMPANY 01 have other plants/facilities at different addresses routinely used to perform on contracts? (FAR 52.214-14),(FAR 52.215-6)

If yes, please provide the following: Place of Performance (Address) of the Other Plants/Facilities, Name(s) of Owner and Operator of Plant/Facilities, Address(es) of Owner and Operator of Plant/Facilities (Street,Address,City County,State,Zip Code) (FAR 52.214-14),(FAR 52.215-6)

**9.** Is TEST COMPANY 01 an SBA-certified Historically Underutilized Business Zone (HUBZone) Small Business Concern?(FAR 52.219-1)

**10.** Please list the name of any HUBZone businesses participating in a Joint Venture with TEST COMPANY 01. (FAR 52.219-1)

**11.** Is TEST COMPANY 01 located in a labor surplus area?(FAR 52.219-2)

If yes, Please select the location(s) of the labor surplus area(s) below:  
to add City/County and State.

**12.** Is TEST COMPANY 01 a small disadvantage business concern as defined in 13 CFR 124.1002?

Has TEST COMPANY 01 been certified by the Small Business Administration (SBA) as a Small Disadvantaged Business Concern?(FAR 52.219-22)

If no, then answer the following question

Has TEST COMPANY 01 submitted an application to SBA for Small Disadvantage Business Certification? (FAR 52.219-22)

**13.** If there are any Small Disadvantaged Businesses participating in a Joint Venture with TEST COMPANY 01 please list the names of those companies below. (FAR 52.219-22)

**14.** Is TEST COMPANY 01 located in a Small Disadvantaged Business Procurement Mechanism authorized region?(FAR 52.219-22)

**15.** Does TEST COMPANY 01 deliver any end products (from the corresponding country of origin) that are listed on the List of Products Requiring Federal Contractor Certification as to Forced or Indentured Child Labor under Executive Order No. 13126 (link provided to current list)? (FAR 52.222-18)

If Yes, has TEST COMPANY 01 based on a good faith effort to determine whether forced or indentured child labor was used to mine, produce, or manufacture any such end product, determined that it is not aware of any such use of child labor.

**16.** Has TEST COMPANY 01 held previous contracts/subcontracts subject to Federal Acquisition Regulation (FAR) 52.222-26 (Equal Opportunity)? (FAR 52.219-22)

**17.** Has TEST COMPANY 01 filed all required Equal Employment Opportunity compliance reports? (FAR 52.219-22)

**18.** Has TEST COMPANY 01 developed/has on file affirmative action programs required by Secretary of Labor? (FAR 52.222-25)

**19.** Has TEST COMPANY 01 held previous contracts/subcontracts subject to affirmative action program requirements? (FAR 52.222-25)

**20.** Does TEST COMPANY 01 provide maintenance, calibration, and/or repair of information technology, scientific and medical and/or office and business equipment?(FAR 52.222-48)

If yes to question 20, please answer the following two questions: Are the items of equipment serviced by TEST COMPANY 01 commercial items which are used regularly for other than Government purposes, and are sold or traded by TEST COMPANY 01 in substantial quantities to the general public in the course of normal business operations?

Are the services furnished at prices which are, or are based on, established catalog or market prices?

Does TEST COMPANY 01 utilize the same compensation (wage and fringe benefits) plan for all service employees performing work under Government contracts as TEST COMPANY 01 uses for equivalent employees servicing the same equipment of commercial customers. (FAR 52.222-48)

**21.** For products designated by the Environmental Protection Agency and provided by TEST COMPANY 01, does the percentage of recovered material content meet the applicable EPA guidelines? (FAR 52.223-4)

**22.** Do TEST COMPANY 01 facilities manufacture/process/use toxic chemicals listed in 313(c) of Emergency Planning and Community Right-to-Know? (FAR 52.223-13)

If yes to question 22 then answer the following four questions as pertains to the facilities that manufacture/process/use toxic chemicals listed in 313(c) of EPCRA. 26. Do the facilities have 10 or more full-time employees (as specified in 313(b)(1)(A) of EPCRA)? (FAR 52.223-13)

Do the facilities meet reporting thresholds of Toxic Chemicals in 313(f) of EPCRA? (FAR 52.223-13)

Your CCR record indicates that TEST COMPANY 01 performs in Standard Industrial Classification (SIC) Groups 20-39 or North American Industry Classification System (NAICS) Sectors 31-33? Are the facilities that manufacture/process/use toxic chemicals in SIC Groups 20-39 or NAICS Sectors 31-33? (FAR 52.223-13)

Are the facilities located in the U.S. or its territories? (FAR 52.223-13)

**23.** Are any end products delivered to the Government by TEST COMPANY 01 foreign (non-domestic) end products? (FAR 52.225-2),(FAR 52.225-4),(FAR 52.225-6)

If yes, please list these products and their corresponding country of origin. Product Country

**24.** Does TEST COMPANY 01 provide any data to the Government that qualifies as limited rights data or restricted computer software? (FAR 52.227-15)

If yes, please list limited rights data or restricted computer software below: Limited Rights Data/Computer Software Name:

**25.** ORCA did not get the Organization type for TEST COMPANY 01 from CCR. Please enter your organization type. (FAR 52.204-3)

**26.** Are you interested in applying for Federal architect-engineer contracts under FAR Part 36 and want to enter a SF330, Part II for this office. (SF 330 Part II)

Do you have an ACASS Number?

Yes No If no, the information collected will be used to generate an ACASS number.

If yes, please provide the number

List any former names used by the office associated with this DUNS number during the 6 years, including the year the name change was effective and the associated DUNS number.

None

Firm/Branch Name: Year Established: DUNS Number:

List employees by discipline , including number of employees. List no more than 20 disciplines.

Discipline No of Employees: Firm No of Employees: Branch

List the experience and annual average revenue for the last 5 years for the office associated with this DUNS number.

Experience

Provide A-E professional services revenues for the office associated with this DUNS number for the last 3 years.

Federal

Non-Fed:

Total:

Are you considered a small business sized concern for NAICS code 541330?

Yes No

**APPENDIX B**  
**Representations and Certifications in ORCA**

<b>52.203-2</b>	<b>Certificate of Independent Price Determination</b>
<b>52.203-11</b>	<b>Certification and Disclosure Regarding Payments to Influence Certain Transactions</b>
<b>52.204-3</b>	<b>Taxpayer Identification</b>
<b>52.204-5</b>	<b>Women-Owned Business (Other Than Small Business)</b>
<b>52.209-5</b>	<b>Certification Regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters</b>
<b>52.212-3</b>	<b>Offeror Representations and Certifications - Commercial Items (Basic, Alternate 1 &amp; 2)</b>
<b>52.214-14</b>	<b>Place of Performance - Sealed Bidding</b>
<b>52.215-6</b>	<b>Place of Performance</b>
<b>52.219-1</b>	<b>Small Business Program Representations (Basic &amp; Alternate 1)</b>
<b>52.219-2</b>	<b>Equal Low Bids</b>
<b>52.219-19</b>	<b>Small Business Concern Representation for the Small Business Competitiveness Demonstration Program</b>
<b>52.219-21</b>	<b>Small Business Size Representation for Targeted Industry Categories Under the Small Business Competitiveness Demonstration Program</b>
<b>52.219-22</b>	<b>Small Disadvantaged Business Status (Basic &amp; Alternate 1)</b>
<b>52.222-18</b>	<b>Certification Regarding Knowledge of Child Labor for Listed End Products</b>
<b>52.222-22</b>	<b>Previous Contracts and Compliance Reports</b>
<b>52.222-25</b>	<b>Affirmative Action Compliance</b>
<b>52.222.38</b>	<b>Compliance with Veterans Employment Reporting Requirements</b>
<b>52.222-48</b>	<b>Exemption from Application of Service Contract Act Provisions for Contracts for Maintenance, Calibration, and/or Repair of Certain Information Technology, Scientific and Medical and/or Office and Business Equipment-Contractor Certification</b>



- 52.223-4      Recovered Material Certification**
- 52.223-9      Estimate of Percentage of Recovered Material Content for EPA-  
Designated Products (Alternate 1only)**
- 52.223-13     Certification of Toxic Chemical Release Reporting**
- 52.225-2      Buy American Act - Balance of Payments Program Certificate**
- 52.225-4      Buy American Act North America Free Trade Agreement Israeli Trade  
Act - Balance of Payments Program Certificate (Basic, Alternate 1 &  
2)**
- 52.225-6      Trade Agreements Certificate**
- 52.226-2      Historically Black College or University and Minority Institution  
Representation**
- 52.227-6      Royalty Information (Basic & Alternate 1)**
- 52.227-15     Representation of Limited Rights Data and Restricted Computer  
Software**

**SF 330 Part II Architect-Engineering Qualifications**

## **APPENDIX C**

### **Definitions for Terms in the ORCA Questionnaire**

**QUESTION 1** – No definitions provided

**QUESTION 2** – No definitions provided

**QUESTION 3**

"Common parent," as used in this subpart, means that corporate entity that owns or controls an affiliated group of corporations that files its Federal income tax returns on a consolidated basis, and of which the offeror is a member. (FAR 4.901)

**QUESTION 4**

"Debarment" means action taken by a debarring official under 9.406 to exclude a contractor from Government contracting and Government-approved subcontracting for a reasonable, specified period; a contractor that is excluded is "debarred." (FAR 2.101)

"Ineligible" means excluded from Government contracting (and subcontracting, if appropriate) pursuant to statutory, Executive order, or regulatory authority other than this regulation (48 CFR Chapter 1) and its implementing and supplementing regulations; for example, pursuant to the Davis-Bacon Act and its related statutes and implementing regulations, the Service Contract Act, the Equal Employment Opportunity Acts and Executive orders, the Walsh-Healey Public Contracts Act, the Buy American Act, or the Environmental Protection Acts and Executive orders. (FAR 2.101)

"Suspension" means action taken by a suspending official under 9.407 to disqualify a contractor temporarily from Government contracting and Government-approved subcontracting; a contractor that is disqualified is "suspended." (FAR 2.101)

**QUESTION 5**

"Civil judgment" means a judgment or finding of a civil offense by any court of competent jurisdiction. (FAR 9.403)

"Conviction" means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere. (FAR 2.101)

**QUESTION 6**

"Indictment" means indictment for a criminal offense. Any information or other filing by competent authority charging a criminal offense is given the same effect as an indictment. (FAR 9.403)

**QUESTION 7**

"Termination for default" means the exercise of the Government's right to completely or partially terminate a contract because of the contractor's actual or anticipated failure to perform its contractual obligations. (FAR 2.101)

**QUESTION 8 – No definitions provided**

**QUESTION 9**

"HUBZone" means a historically underutilized business zone that is an area located within one or more qualified census tracts, qualified nonmetropolitan counties, or lands within the external boundaries of an Indian reservation. (FAR 2.101)

"HUBZone small business concern" means a small business concern that appears on the List of Qualified HUBZone Small Business Concerns maintained by the Small Business Administration. (FAR 2.101)

Information about the HUBZone Empowerment Contracting Program is available at <https://eweb1.sba.gov/hubzone/internet/>

**QUESTION 10 – No definitions provided**

**QUESTION 11**

"Labor surplus area" means a geographical area identified by the Department of Labor in accordance with 20 CFR part 654, subpart A, as an area of concentrated unemployment or underemployment or an area of labor surplus. (FAR 2.101)  
A list of labor surplus areas is available from the Department of Labor at <http://ows.doleta.gov/employ/lssa.asp>.

**QUESTION 12**

"Small disadvantaged business concern" (except for 52.212-3(c)(2) and 52.219-1(b)(2) for general statistical purposes and 52.212-3(c)(7)(ii), 52.219-22(b)(2), and 52.219-23(a) for joint ventures under the price evaluation adjustment for small disadvantaged business concerns), means an offeror that represents, as part of its offer, that it is a small business under the size standard applicable to the acquisition; and either-

- (1) It has received certification as a small disadvantaged business concern consistent with 13 CFR part 124, subpart B; and
  - (i) No material change in disadvantaged ownership and control has occurred since its certification;
  - (ii) Where the concern is owned by one or more disadvantaged individuals, the net worth of each individual upon whom the certification is based does not exceed \$750,000 after taking into account the applicable exclusions set forth at 13 CFR 124.104(c)(2); and
  - (iii) It is identified, on the date of its representation, as a certified small disadvantaged business concern in the data base maintained by the Small Business Administration (PRO-Net); or
- (2) For a prime contractor, it has submitted a completed application to the Small Business Administration or a private certifier to be certified as a small disadvantaged

business concern in accordance with 13 CFR part 124, subpart B, and a decision on that application is pending, and that no material change in disadvantaged ownership and control has occurred since it submitted its application. In this case, a contractor must receive certification as a small disadvantaged business by the Small Business Administration prior to contract award. (FAR 2.101)

**QUESTION 13** – No definitions provided

**QUESTION 14**

The list of authorized small disadvantaged business procurement mechanisms and regions is posted at <http://www.arnet.gov/References/sdbadjustments.htm>. (FAR 52.219-22)

**QUESTION 15**

Information on the List of Products Requiring Federal Contractor Certification as to Forced or Indentured Child Labor Under Executive Order No. 13126 is available from the Department of Labor at <http://www.dol.gov/ILAB/regs/eo13126/eofrn.htm>.

**QUESTION 16** – No definitions provided

**QUESTION 17** – No definitions provided

**QUESTION 18**

"Affirmative action program" means a contractor's program that complies with Department of Labor regulations to ensure equal opportunity in employment to minorities and women. (FAR 22.801)

**QUESTION 19** – No definitions provided

**QUESTION 20**

Information Technology, Scientific and Medical and/or Office and Business Equipment includes the following:

- (A) Automated data processing equipment and office information/word processing systems.
- (B) Scientific equipment and medical apparatus or equipment if the application of micro-electronic circuitry or other technology of at least similar sophistication is an essential element (for example, Federal Supply Classification (FSC) Group 65, Class 6515, "Medical Diagnostic Equipment;" Class 6525, "X-Ray Equipment;" FSC Group 66, Class 6630, "Chemical Analysis Instruments;" and Class 6665, "Geographical and Astronomical Instruments," are largely composed of the types of equipment exempted hereunder).
- (C) Office/business machines not otherwise exempt pursuant to subdivision (b)(4)(i)(A) of this subsection, if such services are performed by the manufacturer or supplier of the equipment. (FAR 22.1003-4)

"Commercial item" means-

(1) Any item, other than real property, that is of a type customarily used by the general public or by non-governmental entities for purposes other than governmental purposes, and-

(i) Has been sold, leased, or licensed to the general public; or

(ii) Has been offered for sale, lease, or license to the general public;

(2) Any item that evolved from an item described in paragraph (1) of this definition through advances in technology or performance and that is not yet available in the commercial marketplace, but will be available in the commercial marketplace in time to satisfy the delivery requirements under a Government solicitation;

(3) Any item that would satisfy a criterion expressed in paragraphs (1) or (2) of this definition, but for-

(i) Modifications of a type customarily available in the commercial marketplace; or

(ii) Minor modifications of a type not customarily available in the commercial marketplace made to meet Federal Government requirements. Minor modifications means modifications that do not significantly alter the nongovernmental function or essential physical characteristics of an item or component, or change the purpose of a process. Factors to be considered in determining whether a modification is minor include the value and size of the modification and the comparative value and size of the final product. Dollar values and percentages may be used as guideposts, but are not conclusive evidence that a modification is minor;

(4) Any combination of items meeting the requirements of paragraphs (1), (2), (3), or (5) of this definition that are of a type customarily combined and sold in combination to the general public;

(5) Installation services, maintenance services, repair services, training services, and other services if-

(i) Such services are procured for support of an item referred to in paragraph (1), (2), (3), or (4) of this definition, regardless of whether such services are provided by the same source or at the same time as the item; and

(ii) The source of such services provides similar services contemporaneously to the general public under terms and conditions similar to those offered to the Federal Government;

(6) Services of a type offered and sold competitively in substantial quantities in the commercial marketplace based on established catalog or market prices for specific tasks performed under standard commercial terms and conditions. This does not include services that are sold based on hourly rates without an established catalog or market price for a specific service performed. For purposes of these services-

(i) "Catalog price" means a price included in a catalog, price list, schedule, or other form that is regularly maintained by the manufacturer or vendor, is either published or otherwise available for inspection by customers, and states prices at which sales are currently, or were last, made to a significant number of buyers constituting the general public; and

(ii) "Market prices" means current prices that are established in the course of ordinary trade between buyers and sellers free to bargain and that can be substantiated through competition or from sources independent of the offerors.

(7) Any item, combination of items, or service referred to in paragraphs (1) through (6) of this definition, notwithstanding the fact that the item, combination of items, or service is transferred between or among separate divisions, subsidiaries, or affiliates of a contractor; or

(8) A nondevelopmental item, if the procuring agency determines the item was developed exclusively at private expense and sold in substantial quantities, on a competitive basis, to multiple State and local governments. (FAR 2.101)

#### **QUESTION 21**

"Recovered material," means waste materials and by-products recovered or diverted from solid waste, but the term does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process. (FAR 2.101)

Information on the products designated by the Environmental Protection Agency for recovered material content is available from the Environmental Protection Agency at <http://www.epa.gov/cpg/products.htm>.

#### **QUESTION 22**

Information on the list of toxic chemicals is available from the Environmental Protection Agency at <http://www.epa.gov/tri/index.htm>.

#### **QUESTION 23**

"Canadian end product" means an article that-

(1) Is wholly the growth, product, or manufacture of Canada; or

(2) In the case of an article that consists in whole or in part of materials from another country, has been substantially transformed in Canada into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed. The term refers to a product offered for purchase under a supply contract, but for purposes of calculating the value of the end product includes services (except transportation services) incidental to the article, provided that the value of those incidental services does not exceed that of the article itself. (FAR 25.003)

"Caribbean Basin country" means any of the following countries: Antigua and Barbuda, Aruba, Bahamas, Barbados, Belize, British Virgin Islands, Costa Rica, Dominica, El Salvador, Grenada, Guatemala, Guyana, Haiti, Jamaica, Montserrat, Netherlands Antilles, Nicaragua, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Trinidad and Tobago. (FAR 25.003)

"Caribbean Basin country end product"-

(1) Means an article that-

(i) (A) Is wholly the growth, product, or manufacture of a Caribbean Basin country; or

(B) In the case of an article that consists in whole or in part of materials from another country, has been substantially transformed in a Caribbean Basin country into a new

and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed; and

(ii) Is not excluded from duty-free treatment for Caribbean countries under 19 U.S.C. 2703(b).

(A) For this reason, the following articles are not Caribbean Basin country end products:

(1) Tuna, prepared or preserved in any manner in airtight containers.

(2) Petroleum, or any product derived from petroleum.

(3) Watches and watch parts (including cases, bracelets, and straps) of whatever type including, but not limited to, mechanical, quartz digital, or quartz analog, if such watches or watch parts contain any material that is the product of any country to which the Harmonized Tariff Schedule of the United States (HTSUS) column 2 rates of duty apply (*i.e.*, Afghanistan, Cuba, Laos, North Korea, and Vietnam).

(4) Certain of the following: textiles and apparel articles; footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel; or handloomed, handmade, and folklore articles.

(B) Access to the HTSUS to determine duty-free status of articles of the types listed in paragraph (1)(ii)(A)(4) of this definition is available via the Internet at

<http://www.customs.ustreas.gov/impoexpo/impoexpo.htm>. In particular, see the following:

(1) General Note 3(c), Products Eligible for Special Tariff treatment.

(2) General Note 17, Products of Countries Designated as Beneficiary Countries under the United States-Caribbean Basin Trade Partnership Act of 2000.

(3) Section XXII, Chapter 98, Subchapter II, Articles Exported and Returned, Advanced or Improved Abroad, U.S. Note 7(b).

(4) Section XXII, Chapter 98, Subchapter XX, Goods Eligible for Special Tariff Benefits under the United States-Caribbean Basin Trade Partnership Act; and

(2) Refers to a product offered for purchase under a supply contract, but for purposes of calculating the value of the acquisition, includes services (except transportation services) incidental to the article, provided that the value of those incidental services does not exceed that of the article itself. (FAR 25.003)

"Designated country end product" means an article that-

(1) Is wholly the growth, product, or manufacture of a designated country; or

(2) In the case of an article that consists in whole or in part of materials from another country, has been substantially transformed in a designated country into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed. The term refers to a product offered for purchase under a supply contract, but for purposes of calculating the value of the end product includes services (except transportation services) incidental to the article, provided that the value of those incidental services does not exceed that of the article itself. (FAR 25.003)

"Designated country," means any of the following countries:

Aruba Kiribati

Austria Korea, Republic of

Bangladesh Lesotho

Belgium	Liechtenstein
Benin	Luxembourg
Bhutan	Malawi
Botswana	Maldives
Burkina Faso	Mali
Burundi	Mozambique
Canada	Nepal
Cape Verde	Netherlands
Central African Republic	Niger
Chad	Norway
Chile	
Comoros	Portugal
Denmark	Rwanda
Djibouti	Sao Tome and Principe
Equatorial Guinea	Sierra Leone
Finland	Singapore
France	Somalia
Gambia	Spain
Germany	Sweden
Greece	Switzerland
Guinea	Tanzania U.R.
Guinea-Bissau	Togo
Haiti	Tuvalu
Hong Kong	Uganda
Iceland	United Kingdom
Ireland	Vanuatu
Israel	Western Samoa
Italy	Yemen
Japan	

(FAR 25.003)

"Domestic end product" means-

- (1) An unmanufactured end product mined or produced in the United States; or
- (2) An end product manufactured in the United States, if the cost of its components mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. Components of foreign origin of the same class or kind as those that the agency determines are not mined, produced, or manufactured in sufficient and reasonably available commercial quantities of a satisfactory quality are treated as domestic. Scrap generated, collected, and prepared for processing in the United States is considered domestic. (FAR 25.003)

"End product" means those articles, materials, and supplies to be acquired for public use. (FAR 25.003)



"Foreign end product" means an end product other than a domestic end product.

"Israeli end product" means an article that-

- (1) Is wholly the growth, product, or manufacture of Israel; or
- (2) In the case of an article that consists in whole or in part of materials from another country, has been substantially transformed in Israel into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed. (FAR 25.003)

"Mexican end product" means an article that-

- (1) Is wholly the growth, product, or manufacture of Mexico; or
- (2) In the case of an article that consists in whole or in part of materials from another country, has been substantially transformed in Mexico into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed. The term refers to a product offered for purchase under a supply contract, but for purposes of calculating the value of the end product includes services (except transportation services) incidental to the article, provided that the value of those incidental services does not exceed that of the article itself. (FAR 25.003)

"North American Free Trade Agreement country" means Canada or Mexico. (FAR 25.003)

"North American Free Trade Agreement country end product" means an article that-

- (1) Is wholly the growth, product, or manufacture of a North American Free Trade Agreement (NAFTA) country; or
- (2) In the case of an article that consists in whole or in part of materials from another country, has been substantially transformed in a NAFTA country into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed. The term refers to a product offered for purchase under a supply contract, but for purposes of calculating the value of the end product includes services (except transportation services) incidental to the article, provided that the value of those incidental services does not exceed that of the article itself. (FAR 25.003)

## **QUESTION 24**

"Data" means recorded information, regardless of form or the media on which it may be recorded. The term includes technical data and computer software. The term does not include information incidental to contract administration, such as financial, administrative, cost or pricing or management information. (FAR 27.401)

"Limited rights" means the rights of the Government in limited rights data, as set forth in a Limited Rights Notice if included in a data rights clause of the contract. (FAR 27.401)

"Limited rights data," means data, other than computer software, that embody trade secrets or are commercial or financial and confidential or privileged, to the extent that

such data pertain to items, components, or processes developed at private expense, including minor modifications thereof. (Agencies may, however, adopt the following alternate definition:

"Limited rights data" means data developed at private expense that embody trade secrets or are commercial or financial and confidential or privileged (see 27.404(c)). (FAR 27.401)

"Restricted computer software" means computer software developed at private expense and that is a trade secret; is commercial or financial and confidential or privileged; or is published copyrighted computer software; including minor modifications of such computer software. (FAR 27.401)

## **QUESTION 26**

**Former Firm Names.** Indicate any other previous names for the firm (or branch office) during the last six years. Insert the year that this corporate name change was effective and the associated DUNS Number. This information is used to review past performance on Federal contracts. (SF 330 Part II)

**Employees by Discipline.** Use the relevant disciplines located in the drop box. After the listed disciplines, write in any additional disciplines and leave the function code blank. List no more than 20 disciplines. List all remaining employees under "Other Employees". Each person can be counted only once according to his/her primary function. (SF 330 Part II)

**Profile of Firm's Experience and Annual Average Revenue for Last 5 Years.** Complete this for the firm or branch office for which this is prepared being prepared for. Enter the experience categories which most accurately reflect the firm's technical capabilities and project experience. Use the relevant experience categories and associated profile codes shown at the end of these instructions, and list in the same numerical order. After the listed experience categories, write in any unlisted relevant project experience categories and leave the profile codes blank. For each type of experience, enter the appropriate revenue index number to reflect the professional services revenues received annually (averaged over the last 5 years) by the firm or branch office for performing that type of work. A particular project may be identified with one experience category or it may be broken into components, as best reflects the capabilities and types of work performed by the firm. However, do not double count the revenues received on a particular project. (SF 330 Part II)

**Professional Services Revenues.** Indicate Federal work (performed directly for the Federal Government, either as the prime contractor or subcontractor), non-Federal work (all other domestic and foreign work, including Federally-assisted projects), and the total. If the firm has been in existence for less than 3 years, see the definition for "Annual Receipts" under FAR 19.101. (SF 330 Part II)

Firm in existence for under three years:

Annual receipts of a concern that has been in business for less than 3 complete fiscal years means its total receipts for the period it has been in business, divided by the number of weeks including fractions of a week that it has been in business, and multiplied by 52. (SF 330 Part II)

## APPENDIX D

### Example of an email Pending Expiration Notice

SUBJECT: On-line Reps and Certs Application (ORCA) Renewal Notice

Dear **John Smith**,

According to our records, you are the On-line Representations and Certifications Application (ORCA) point of contact for **ABC Corp.** (DUNS: **123456789**). This letter is to advise you that your ORCA registration will expire on **12/01/2003**.

You can renew your ORCA registration at anytime by going to <http://www.bpn.gov> and clicking on the "Online Representation and Certifications" button located on the left side of the screen. Once on the ORCA homepage enter your DUNS Number and Marketing Partner Identification Number (MPIN) where prompted to begin the renewal.

Reminder: Your MPIN is found in your active CCR registration. Your company's CCR point of contact can inform you of the MPIN. If you do not know your point of contact please call the CCR Assistance Center at 1-888-227-2423 for help.

Review your existing information, make changes if necessary, and then select the "Submit" button at the end of the questionnaire. Your registration will be active for another 365 days from the date of change.

Thank you,

ORCA Program Office

## APPENDIX E

### Example of an email Expired Record Notice

Mr. John Doe  
ABC Corp  
123 Main Street  
Anywhere, VA 22222

SUBJECT: On-line Reps and Certs Application (ORCA) Expiration Notice

Dear **ORCA POC**,

According to our records, you are the On-line Representations and Certifications Application (ORCA) point of contact for **Company Name** (DUNS: **123456789**). This letter is to advise you that your ORCA registration expired on **MM/DD/YYYY**.

You can renew your ORCA registration at anytime by going to <http://www.bpn.gov> and clicking on the "Online Representation and Certifications" button located on the left side of the screen. Once on the ORCA homepage enter your DUNS Number and Marketing Partner Identification Number (MPIN) where prompted to begin the renewal.

Reminder: Your MPIN is found in your active CCR registration. Your company's CCR point of contact can inform you of the MPIN. If you do not know your point of contact please call the CCR Assistance Center at 1-888-227-2423 for help.

Review your existing information, make changes if necessary, and then select the "Submit" button at the end of the questionnaire. Your registration will be active for another 365 days from the date of change.

Thank you,

ORCA Program Office